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12 *Attorneys for Defendant*  
13 *Las Vegas Metropolitan Police Department*  
14 *and Officer Smith (P#9643)*

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 MARK CLIFFORD SYKES, Sui Juris,

CASE NO.: 2:21-cv-01479-RFB-DJA

18 Plaintiff,

19 vs.

20 LAS VEGAS METROPOLITAN POLICE  
21 DEPARTMENT OF CLARK COUNTY  
22 NEVADA, et al.,

**LVMPD'S MOTION FOR  
EXTENSION OF TIME TO  
RESPOND TO PLAINTIFF'S  
SECOND AMENDED COMPLAINT**

23 Defendants.

24 Defendants Las Vegas Metropolitan Police Department ("LVMPD") and Officer Smith (P#9643) (collectively, "LVMPD Defendants"), through their counsel, Kaempfer Crowell, move under Federal Rule of Civil Procedure 6 for a twenty-one day extension of time to respond to Plaintiff Mark Sykes's operative Second Amended Complaint, (ECF No. 22). FRCP 6 imposes a good cause standard on this extension request because the deadline for LVMPD Defendants to respond has not yet expired. Good cause supports a twenty-one day extension of the deadline to respond because the allegations made in this case are lengthy and the undersigned counsel requires additional time to review all filings to date, evaluate available defenses, as well as

1 review available documents and body camera footage to accurately prepare an Answer or Motion  
2 to Dismiss. No facts at this stage indicate that Plaintiff would suffer prejudice if this twenty-one  
3 day extension of time were granted.

4 DATED this 17th day of May, 2023.

5 KAEMPFER CROWELL

6  
7 By: /s/ Lyssa S. Anderson  
LYSSA S. ANDERSON (Nevada Bar No. 5781)  
8 KRISTOPHER J. KALKOWSKI (Nevada Bar No. 14892)  
1980 Festival Plaza Drive, Suite 650  
9 Las Vegas, Nevada 89135

10 *Attorneys for Defendant  
Las Vegas Metropolitan Police Department  
and Officer Smith (P#9643)*

11  
12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I. BACKGROUND**

14 Plaintiff initiated this case on a *pro se* capacity on August 6, 2021. From this initiation  
15 date through March 2023, Plaintiff made several filings challenging the Court's Reports and  
16 Recommendations, moving for recusal of the assigned judges, submitting an Amended  
17 Complaint then Second Amended Complaint, and waiting for the Court to issue Screening  
18 Orders on his pleadings.

19 The Court's most recent Screening Order dated March 3, 2023, (ECF No. 23), permitted  
20 Plaintiff to proceed with portions of his Second Amended Complaint. Then, on April 26, 2023,  
21 LVMPD and Officer Smith (P#9643) received summonses for this lawsuit. The Court's docket  
22 shows that this date was the first time any defendant had been served with the lawsuit. Under  
23 Federal Rule of Civil Procedure 12(a)(1)(A)(i), these two defendants have until May 17, 2023, to  
24 file an Answer or otherwise respond to the Second Amended Complaint.

1           **II. ARGUMENT**

2           LVMPD Defendants' current deadline to file a response to Plaintiff's Second Amended  
 3 Complaint is May 17, 2023. Because this deadline has not yet expired at the time of this  
 4 Motion's filing date, a good cause standard under Federal Rule of Civil Procedure 6(b)(1)(A)  
 5 governs their request for an extension of this response deadline. Good cause under FRCP  
 6(b)(1)(A) is a "non-rigorous standard." *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259  
 7 (9th Cir. 2010) (discussing how "good cause" under FRCP 6(b)(1) is a "non-rigorous standard  
 8 that has been construed broadly across procedural and statutory contexts"). Accordingly,  
 9 "requests for extensions of time made before the applicable deadline has passed should normally  
 10 . . . be granted in the absence of bad faith on the part of the party seeking relief or prejudice to  
 11 the adverse party." *Id.* (internal quotations omitted)

12           Here, good cause supports LVMPD Defendants' request for a twenty-one day extension  
 13 of time to respond to Plaintiff's Second Amended Complaint based on the need to review the  
 14 extensive procedural history of this case and evaluate the lengthy allegations raised in the  
 15 currently operative Second Amended Complaint, (ECF No. 22), so that an accurate responsive  
 16 pleading can be prepared. Indeed, this case is unique because it has already been active for  
 17 nearly two years before LVMPD Defendants were served with a summons. Plaintiff's  
 18 allegations discuss a range of events stretching from his arrest on August 8, 2020, to his  
 19 detention at the Clark County Detention Center and release two days later. These events require  
 20 the undersigned to compile relevant information including body camera footage, detention  
 21 records, and any documents related to his release from custody (if still available). The general  
 22 twenty-one day deadline to respond to Plaintiff's Second Amended Complaint created by FRCP  
 23 12(a)(1)(A)(i) does not provide enough time to accomplish these tasks.

24           This request for additional time is made in a good-faith effort to litigate this case on its

1 merits. Moreover, at this stage, there are no indications that Plaintiff would suffer prejudice if  
2 the Court granted LVMPD Defendants' request for an extension of just twenty-one days to  
3 respond to Plaintiff's Second Amended Complaint.

4 **III. CONCLUSION**

5 For the reasons stated in this Motion, good cause supports a twenty-one day extension of  
6 time for LVMPD Defendants to respond to Plaintiff Mark Sykes's operative Second Amended  
7 Complaint, (ECF No. 22).

8 DATED this 17th day of May, 2023.

9 KAEMPFER CROWELL

10 By: /s/ Lyssa S. Anderson

11 LYSSA S. ANDERSON (Nevada Bar No. 5781)

12 KRISTOPHER J. KALKOWSKI (Nevada Bar No. 14892)

13 1980 Festival Plaza Drive, Suite 650

14 Las Vegas, Nevada 89135

15 *Attorneys for Defendant*  
*Las Vegas Metropolitan Police Department*  
*and Officer Smith (P#9643)*

**CERTIFICATE OF SERVICE**

I certify that I am an employee of KAEMPFER CROWELL, and that on the date below, I caused the foregoing **LVMPD'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S SECOND AMENDED COMPLAINT** to be served via CM/ECF and/or First Class Mail (where indicated) addressed to the following:

Mark Clifford Sykes  
P.O. Box # 91614  
Henderson, NV 89009

*Plaintiff, Pro Se*

*(Via U.S., First Class Mail)*

DATED this 17th day of May, 2023.

*/s/ Linda Gilman*  
an employee of Kaempfer Crowell